MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

(TRIMESTER 2, 2017/2018)

UTS2612 – INTERNATIONAL TRADE AND SHIPPING LAW

(All Sections / Groups)

17 March 2018
Reading Time: 9:00 am - 9:15am
(15 Minutes)
Answering Time: 9:15 am -12:15 pm
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Merchant Shipping Ordinance 1952
   ii. Carriage of Goods by Sea Act 1950
   iii. Sale of Goods Act 1957
   iv. Reciprocal Enforcement of Judgments Act 1958
   v. United Nations Convention on Contracts for the International Sale of Goods (CISG)

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

"International trade is the buying and selling of goods and services across national borders or territories, allowing both the buyer and seller to expand their markets for goods and services that otherwise may not be made available to them." International Sale Contracts are governed by the UN Convention on Contracts for International Sale of Goods (CISG) 1980.

Discuss the requirements for an agreement between buyer and seller to be legally binding under the CISG.

(25 marks)

QUESTION 2

(i) Discuss the nature and characteristics of the Bill of Lading.

(10 marks)

(ii) Mariam in Indonesia sells 8,000 bales of *batik* cotton to Joe in Australia. The consignment of batik cotton was done to the carrier, MV LEEDS. Due to an oversight in the calculation, only 7,500 bales were loaded. In the bill of lading issued by the carrier, however, shows a quantity of 8,000 bales. Mariam then signs over the bill of lading to Joe in exchange of payment in full for the *batik* cotton. When MV LEEDS arrives in Fremantle, Australia, the quantity error was discovered and Joe sues the carrier for the lost value of the missing bales of batik cotton.

Advise on the liability of parties.

(15 marks)

(Total:25 marks)

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QUESTION 3

(i) Malaysia operates a Dual Ship Registry system: Traditional Ship Registry ("TSR"); and (ii) Malaysian International Ship Registry ("MISR"). Discuss.

(10marks)

(ii) Bryan is the Chief Executive Officer of BigBang Integrated Shipping Ltd. (hereinafter refers as "BigBang"). BigBang is a leading carrier in the global container shipping industry in Europe. BigBang is a company incorporated under the laws of United Kingdom. Bryan and the board of directors of BigBang is considering to register one of its fleets as a Malaysian ship in order for them to commence a joint venture business in Malaysia.

Advise Bryan and the board of directors of BigBang on the process to register one of BigBang's fleet as a Malaysian ship under the Merchant Shipping Ordinance 1952.

(15 marks)

(Total: 25 marks)

QUESTION 4

(i) "Action in *rem* and action in *personam* are two legal entities". Discuss.

(15 marks)

(ii) Is there any Special Court for admiralty claims in Malaysia? Discuss.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 5

(i) Mike spent his holidays last week at the Telok Kemang beach, Port Dickson. Being an outdoor person, he decided to get himself a jet ski. While riding on the jet ski, he collided with a row boat.

Advise Mike whether he would be liable under the Merchant Shipping Ordinance 1952 for causing the collision?

(15 marks)

(ii) Discuss the procedures on the sale of ship in Malaysia.

(10 marks)

(Total: 25 marks)

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